

Phillip Wolf
4855 Miller St
Wheat Ridge, CO 80033
In Propria Persona(not Pro Se)
Proceeding without counsel

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
JAN 05 2009
Stephan Harris, Clerk
Cheyenne

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

Beaver Creek land and Cattle LLC)	
)	Case No. 08-CV-202-J
)	
Plaintiff)	ANSWER TO REQUEST
)	MOTION TO STRIKE DEFAULT
vs.)	
)	
Phillip Wolf)	
)	
Defendant)	
)	
)	

Now comes Phillip Wolf (alleged defendant) DBA PHILLIP WOLF (defendant) and respectfully answers the motion and moves in this respectable court to strike plaintiffs request for default.

Answer

1. Re: the answer coming to the court timely, our answer was sent to Jackson, Wyoming court address. Tina O'Connor in the Jackson office at phone number 307 -- 733 -- 4126 called us and told us what had happened and she then forwarded the answer to the Cheyenne court. The plaintiffs attorney Mr. King through e-mail communication also had been in communication with us regarding the answer not showing up to the court.

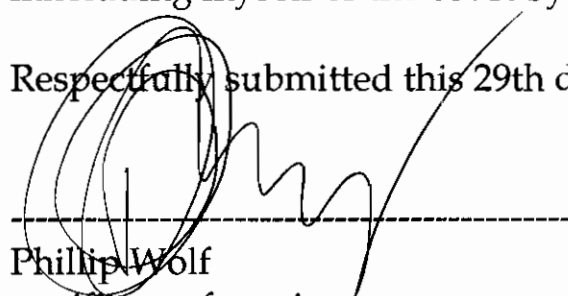
Mr. King had been very gracious and sent us a couple of e-mails asking us to please get the answer filed which we had tried to do since the first of December when it was received in the Jackson court. Tina O'Connor from the Jackson court assured us that they would

have arrived within the timeframe that Mr. King had asked us to please get them filed in. Attached are some e-mail communications reflecting all e-mails the last communication which is exhibit 2 (attached) was sent to us on December 8, 2008 which was the Monday and asked us if we would please have it in by this upcoming Wednesday, December 10, 2008.

I talked to Tina December 8, 2008 she called the clerk in the Cheyenne office, the clerk assured her she had the answer and stated I'd given it to the judge and it will come back to the clerk to be put in the file. I definitely appreciate the consideration from the plaintiff attorney because of the address confusion and we also believe we complied to the requests of the plaintiffs attorney as you'll see an exhibit 2 the last e-mail.

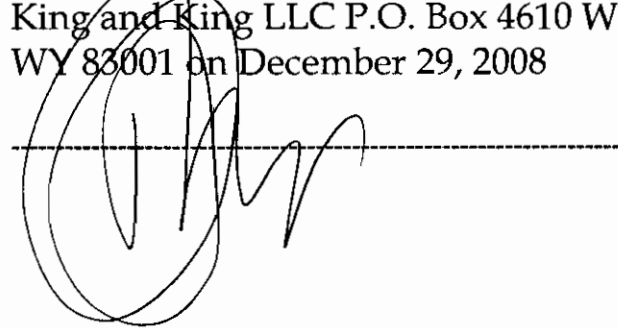
I'm asking the court to strike the plaintiffs request for default as we have complied under the circumstances and feel that either the plaintiffs misunderstood his own e-mails and dates or is possibly misleading myself or the court by filing a motion for default.

Respectfully submitted this 29th day of December 2008.



Phillip Wolf
certificate of service

I Phillip Wolf do certify that this has been mailed a first-class mail to King and King LLC P.O. Box 4610 West Broadway Suite 201 Jackson, WY 83001 on December 29, 2008



Bret F. King

From: Phil Wolf [pkwolf1@gmail.com]
Sent: Thursday, December 04, 2008 11:21 AM
To: Bret F. King
Subject: Re: Beaver Creek v. Wolf

It should have arrived via Jackson court wed or thurs. thanks Mr Wolf

On Wed, Dec 3, 2008 at 3:35 PM, Bret F. King <kinglaw@wyom.net> wrote:

Mr. Wolf:

I received your Answer and Motion to Dismiss in the mail this afternoon. Please make sure that it gets filed with the Federal Court in Cheyenne by Friday. My assistant checked and it does not need to be electronically filed.

Thanks.

Bret King

From: Phil Wolf [mailto:pkwolf1@gmail.com]
Sent: Wednesday, December 03, 2008 2:30 PM
To: Bret F. King
Subject: Re: Beaver Creek v. Wolf

Mr King the answer was filed, however the court in Jackson sent it on to Cheyenne instead of Jackson where it was filed. Thanks Mr Wolf ps. also a copy was has been sent to you.

On Wed, Dec 3, 2008 at 2:21 PM, Bret F. King <kinglaw@wyom.net> wrote:

Hello Mr. Wolf:

According to the return of service your answer to the complaint was to be filed by no later than December 1. Failure to file an answer places you in default.

My clients and I both concur that I should contact you and notify you of the situation rather than take a default against you.

If you intend to file an answer, please do so no later than this Friday, otherwise I will ask that a default be entered.

Sincerely,

Bret F. King

Attorney-at-Law

King & King, LLC

P.O. Box 40

610 W. Broadway, Ste. 201

Jackson, WY 83001

Office: (307) 733-2904

Fax: (307) 733-1058

email: kinglaw@wyom.net

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Phil Wolf

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John Rounds

mk

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Bowoto v Chevron - www.Chevron.com/Bowoto - Read about Chevron's legal victory in this landmark court

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Answer to Complaint

Phil Wolf to Bret

Bret, thanks for your patience, The clerk sent to Cheyenne last week she says it normally takes 1 week to Cheyenne should be there tomorrow thanks again M r. Wolf

On Mon, Dec 8, 2008 at 2:50 PM, Bret F. King <kinglaw@wyom.net> wrote:

Mr. Wolf:

Your answer has still not been filed with the Federal District Court in Cheyenne. Could you please make it last Friday. Can you please have that taken care of by this Wednesday? It is very important to you to

My clients also want me to push this matter along and we do not want to have any further delays. The

Sincerely,

Bret F. King*Attorney-at-Law***King & King, LLC***P.O. Box 40**610 W. Broadway, Ste. 201**Jackson, WY 83001**Office: (307) 733-2904**Fax: (307) 733-1058**email: kinglaw@wyom.net*

Bret F. King

From: Phil Wolf [pkwolf1@gmail.com]
Sent: Monday, December 08, 2008 4:16 PM
To: Bret F. King
Subject: Re: Answer to Complaint

Bret, thanks for your patience, The clerk sent to Cheyenne last week she says it normally takes 1 week to arrive in the other court, however we today resent overnite to Cheyenne should be there tomorrow thanks again M r. Wolf

On Mon, Dec 8, 2008 at 2:50 PM, Bret F. King <kinglaw@wyom.net> wrote:

Mr. Wolf:

Your answer has still not been filed with the Federal District Court in Cheyenne. Could you please make that happen? I previously asked that you have that done by last Friday. Can you please have that taken care of by this Wednesday? It is very important to you to protect your ability to defend in this case.

(Dec 10th)

My clients also want me to push this matter along and we do not want to have any further delays. The delays in service were quite substantial.

Sincerely,

Bret F. King

Attorney-at-Law

King & King, LLC

P.O. Box 40

610 W. Broadway, Ste. 201

Jackson, WY 83001

Office: (307) 733-2904

Fax: (307) 733-1058